

LANI K. WALLACE (Bar No. 14830)
LANI K. WALLACE, ATTORNEY AT LAW, PLLC
Attorney for Plaintiff
1004 24th Street
Ogden, UT 84401
Telephone: (801) 621-3662
Facsimile: (801) 392-2543
Laniwallace@outlook.com

IN THE SECOND DISTRICT COURT OF WEBER COUNTY, OGDEN DISTRICT COURT, STATE OF UTAH	
NICHOLE WARREN on behalf of her minor son, JOHN DOE	AMENDED COMPLAINT - Tier III
Plaintiffs,	Case #:1:18-cv-00085-DAK
vs.	Judge: Dale Kimball
OGDEN CITY SCHOOL DISTRICT and DREW TUTT	
Defendants	

Plaintiff alleges as follows:

1. Plaintiff Nichole Warren's son, John Doe, is a minor.
2. John Doe attended Mound Fort Middle School during the 2016/2017 school year.
3. Mound Fort Middle School is located in Weber County.
4. During the 2016/2017 school year, Defendant Drew Tutt was John Doe's teacher.

PLAINTIFF'S FIRST CAUSE OF ACTION

5. During the 2016/2017 school year, Defendant Drew Tutt negligently, carelessly, and/or recklessly instructed John Doe to go to the school parking lot with him and three minor females.

6. In the parking lot, Defendant Drew Tutt negligently, carelessly, and/or recklessly took Plaintiff John Doe and the three minor females to his vehicle.
7. Defendant Drew Tutt negligently, carelessly, and/or recklessly instructed Plaintiff John Doe to look inside the vehicle to see a gun which was sitting on the passenger seat.
8. Defendant Drew Tutt negligently, carelessly, and/or recklessly then instructed Plaintiff John Doe to take “naked” pictures of the three minor females and to send them to him.
9. Defendant Drew Tutt negligently, carelessly, and/or recklessly informed Plaintiff John Doe that if he did not do this, Defendant Drew Tutt would do something he would regret.
10. Defendant Drew Tutt then placed the gun in the glove box of his vehicle.
11. On February 8, 2017, John Doe approached his guidance counselor, Nichole Goodlife, and informed her that Drew Tutt had taken him out to his car and showed him a gun, and that Drew Tutt had invited him to his home.
12. Prior to these events, another student’s mother had filed numerous complaints with both the Ogden School District and Mound Fort Middle School regarding Drew Tutt’s inappropriate behavior with her minor daughter.
13. Staff and officials at the Ogden City School District and Mound Fort Middle School were aware and on notice that Defendant Drew Tutt was acting inappropriately with students.
14. Defendants Ogden City School District and Mound Fort Middle School negligently, carelessly, and/or recklessly failed to investigate these allegations and/or to protect any of the students, including Plaintiff John Doe from Defendant Drew Tutt.

PLAINTIFF’S SECOND CAUSE OF ACTION

15. Defendant Drew Tutt's employment, presence, and known behavior toward the students at Mound Fort Middle School was injurious to their health, as well as to Plaintiff's, and constituted a public nuisance to students, and specifically to John Doe.
16. Defendant Drew Tutt's employment, presence, and known behavior towards the students at Mound Fort Middle School, as well as to Plaintiff, was indecent and constituted a public nuisance to students, and specifically to John Doe..
17. Defendant Drew Tutt's behavior interfered with the enjoyment of life for Plaintiff, as well as for the other students at Mound Fort Middle School and constituted a public nuisance to students, specifically to John Doe.
18. Defendant Ogden City School District was on notice Defendant Drew Tutt's behavior constituted a public nuisance as they had received numerous complaints from a student's mother regarding Mr. Tutt's behavior with her minor daughter.
19. Defendant Ogden City School District maintained and/or permitted a public nuisance to exist toward students and specifically to John Doe.
20. As a result of Defendant's negligence, and/or maintenance of a public nuisance, Plaintiff has suffered serious emotional and psychological harm to his damage in amounts to be proven at trial.
21. As a result of Defendant's negligence, and/or maintenance of a public nuisance, Plaintiff John Doe has suffered from past, present, and future severe emotional pain and will need present and future counseling, medical treatment, and psychological treatment.
22. As a result of Defendant's negligence, conduct, and/or maintenance of a public nuisance, Plaintiff John Doe has suffered permanent emotional injuries.

17. Plaintiff John Doe seeks an award of damages, as allowed by law, in amounts to be proven at trial.

WHEREFORE, Plaintiff's requests judgment against Defendant for all damages proved at trial; for statutory interest on special damages and for such other and further relief as is just and proper.

DATED: this August 6, 2018

/s/ Lani K. Wallace
LANI K. WALLACE
Attorney for Plaintiff

Certificate of Service

I hereby certify that on August 6, 2018 I e-filed through the Court's electronic filing system to foregoing *Amended Complaint-Tier III* to:

Diana F. Bradley
Assistant Utah Attorney General
Sean D. Reyes
Utah Attorney General
160 East 300 South, Sixth Floor
PO Box 140856
Salt Lake City, UT 84114-0856
dbradley@agutah.gov

/s/ Enid D. Morrow